

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.770 of 2025

Arising Out of PS. Case No.-48 Year-2024 Thana- SC/ST District- Siwan

Mohit Sonar @ Mohit Kumar Son of Rajesh Prasad @ Munna Sonar Resident of Mohalla- Naya Quill, Kagji, Mohalla- Kasera Tola (Kesari Tola), PS-Siwan(T), District- Siwan

... .. Appellant/s

Versus

1. The State of Bihar
2. Raja Kumar Son of Bhuneshwar Manjhi Resident of village- Falpura, P.s.- G.B. Nagar, Tarwara, Distt.- Siwan

... .. Respondent/s

with
CRIMINAL APPEAL (SJ) No. 782 of 2025

Arising Out of PS. Case No.-48 Year-2024 Thana- SC/ST District- Siwan

Anand Kumar @ Anand Mohan Kumar @ Anand Kr. S/o- Bharti Singh Village- Lauwan, P.S. Barharia, District- Siwan

... .. Appellant/s

Versus

1. The State of Bihar
2. Raja Kumar S/o- Sri Bhuneshwar Manjhi Village- Falpura, P.S. G.B. Nagar, Tarwara, District-Siwan

... .. Respondent/s

Appearance :
(In CRIMINAL APPEAL (SJ) No. 770 of 2025)
For the Appellant/s : Mr. Lokesh Kumar Singh, Advocate
For the State : Mr. Sadanand Paswan, SPP
For the Informant : Mr. Jitendra Kumar Giri, Advocate
(In CRIMINAL APPEAL (SJ) No. 782 of 2025)
For the Appellant/s : Mr. Javed Aslam, Advocate
For the State : Ms. Usha Kumari 1, SPP
For the Informant : Mr. Jitendra Kumar Giri, Advocate

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

3 01-05-2025 Heard learned counsel for the appellants, learned Special
Public Prosecutor for the State and learned counsel for the



informant.

2. The instant appeal has been filed by the appellants against the order dated 28-01-2025 passed by 1st Additional Session's Judge-cum-Special Judge, Siwan whereby the prayer for bail of the appellant in connection with SC/ST Siwan PS Case No. 48 of 2024 instituted under Sections 341, 323, 384, 379 & 420 of the Indian Penal Code and Sections 3(1)(r)(s) of SC/ST Act was rejected.

3. Prosecution case, in short, is that the informant bought a Swaraj Tractor on loan and was paying installments. On 20.09.2023, appellant Mohit Sonar falsely claimed to be a bank agent and took away the tractor. Later, when confronted, the appellant assaulted the informant using caste-based slurs and demanded Rs. 50,000 for the tractor's return.

4. Learned counsel for the appellants submits that the appellants are innocent and have falsely been implicated in the present case. Charge-sheet has been submitted in this case. Appellant, namely, Mohit Sonar is named in the FIR whereas appellant, namely, Anand Kumar, is not named in the FIR and his name has surfaced in this case on the disclosure made by one Mithilesh Kumar, who has stated that it is the appellant, namely, Anand Kumar by whom the informant approached to appellant,



namely, Mohit Sonar. It is submitted that tractor is allegedly recovered from the aforesaid Mithilesh Kumar. There is delay of more than one month in lodging the FIR. Learned counsel for the appellants submit that the informant has received the amount of the tractor, which fact is mentioned at paragraph No.. 44 of the case diary. Learned counsel for the appellants further submits that the appellants have not taken the caste name of the informant in public view. Hence, no offence under the provisions of SC/ST Act is made out against them. The appellants have no intention to disgrace the image of the informant in public view. The appellants are in custody since 17-01-2025 and have no criminal antecedent.

5 Learned Special P.P. for the State and the informant have vehemently opposed the prayer for grant of bail to the appellants.

6. Considering the aforesaid facts and circumstances of the case and the period of custody undergone by the appellants, this Court is inclined to allow this appeal. Accordingly, the appeal is allowed and order dated 28-01-2025 passed by 1st Additional Session's Judge-cum-Special Judge, Siwan is hereby set aside.

7. Let the appellants be released on bail on furnishing



bail bonds of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with SC/ST Siwan PS Case No. 48 of 2024, subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the appellant.

(II) The appellant shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the appellant.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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